

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

<b>In re: BRIDGESTONE/FIRESTONE, INC.,</b>	<b>) Master File No. IP 00-9373-C-B/S</b>
<b>TIRES PRODUCTS LIABILITY LITIGATION</b>	<b>) MDL NO. 1373</b>
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<b>THIS DOCUMENT RELATES TO ALL</b>	<b>)</b>
<b>ACTIONS</b>	<b>)</b>

**ENTRY FOR MARCH 18, 2002**

The parties appeared, by counsel, this date for a telephonic status conference, during which the following was discussed:

1. The parties report that they have scheduled the bulk of the depositions in the foreign accident cases in which the plaintiffs are not represented by Victor Diaz, and all anticipate that the few remaining issues regarding the scheduling of those depositions will be resolved shortly; accordingly, the parties need not appear before the magistrate judge in person on March 20, 2002.
2. The defendants and Mr. Diaz will meet this week to discuss the scheduling of depositions in Mr. Diaz's cases, and will report on their progress during the next status conference.
3. The parties have resolved all remaining issues regarding the medical releases for use in Venezuela. The defendants have agreed that Mr. Rengel, who is a Venezuelan attorney, will not be involved in communicating with the plaintiffs' health care providers directly, but may be involved in receiving the executed medical releases from the plaintiffs and receiving the medical records from the health care providers. The parties further understand that the medical releases do not permit any substantive ex parte

communication with the plaintiffs' health care providers, but rather only authorize the health care providers to release the plaintiffs' medical records to the defendants' designated agents in Venezuela.

4. The defendants report that they have provided plaintiffs' liaison counsel with a list of those personal injury cases in which they have not yet received expert designations and/or reports. Liaison counsel has contacted the attorneys on those cases and instructed them to contact the defendants to resolve the issue. The magistrate judge confirms that as to any personal injury case that was filed on or before June 30, 2001, and which is not subject to a forum non conveniens motion, all expert reports (with the exception of supplemental expert witness reports) were to be served by February 25, 2002, and as to any personal injury case that was filed between July 1, 2001, and September 30, 2001, and which is not subject to a forum non conveniens motion, all expert witnesses (with the exception of supplemental expert witnesses) were to be disclosed by March 1, 2002, with reports being due on April 1, 2002. These deadlines apply to both case-specific and "core"<sup>1</sup> expert witnesses; accordingly, if a plaintiff intends to rely upon a "core" expert witness to testify about the general defectiveness of either a type of Firestone tire or the Ford Explorer, that plaintiff was required to disclose that expert by the applicable deadline and direct the defendants to that expert's "core" report (presumably the report that expert has prepared in conjunction with the

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<sup>1</sup>A "core" expert opinion is one that is applicable to all (or many) of the cases in this MDL proceeding, because it relates to a group of tires or vehicles, rather than the specific tire(s) or vehicle involved in a particular case.

MDL class action) upon which the plaintiff intends to rely on trial. Due to the apparent confusion among individual plaintiffs' attorneys on this point, the magistrate judge extends the deadline for serving<sup>2</sup> these designations of "core" expert witnesses to **Monday, March 25, 2002**, in all personal injury cases not subject to a forum non conveniens motion which were filed on or before September 30, 2001.<sup>3</sup> If, after receiving these belated designations, the defendants determine they need additional time to prepare responsive expert reports, they may request an extension of their deadline in the specific cases involved.

5. The parties will confer and submit a stipulation regarding how they will handle depositions of expert witnesses whose testimony is applicable to more than one case.
6. The plaintiffs raised the issue of rebuttal expert witnesses and the questions of when an expert may appropriately be called a rebuttal expert and whether a rebuttal expert must submit an expert report. Those issues are premature at this time, and therefore will be discussed again at a later date.
7. The plaintiffs in the individual case captioned *Wilkinson v. Bridgestone/Firestone, Inc., et al.*, IP 01-5355-C B/S, filed a surreply under seal on March 12, 2002; however, the defendants did not receive it until March 15, 2002. Accordingly, the defendants' time for filing a motion to keep the surreply sealed is extended to March 22, 2002, and the seal shall not be removed until after that motion is resolved. Further,

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<sup>2</sup>Service shall be made both by fax and by mail.

<sup>3</sup>The deadlines for designating and serving the reports of case-specific expert witnesses are NOT extended.

the plaintiffs improperly served the sealed document on Dan Byron, counsel for the intervenors; Mr. Byron shall return the sealed document to the plaintiffs.

8. Mr. Diaz requested and was granted a two-day extension of time to respond to the motions to strike supplemental expert reports pending in two of his cases.

9. The next telephonic status conference will be held on April 1, 2002, at 1:00 p.m. The call will be arranged by Randy Riggs, counsel for Ford.

ENTERED this \_\_\_\_\_ day of March 2002.

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V. Sue Shields  
United States Magistrate Judge  
Southern District of Indiana

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